

## **MINUTES**

### **NATURAL RESOURCES COMMISSION (NRC) POLICY COMMITTEE ON WILDLIFE AND FISHERIES**

**April 7, 2011**

**Lansing Center  
333 E. Michigan Avenue, Lansing, MI 48933**

#### **PRESENT FOR THE NRC**

Tim Nichols  
John Madigan, Chair  
J.R. Richardson  
John Matonich

#### **PRESENT FOR STAFF**

Rodney Stokes, Director, DNRE  
Russ Mason, Chief, Wildlife Division  
Kelley Smith, Chief, Fisheries Division  
Doug Reeves, Assistant Chief, Wildlife Division  
Dean Molnar, Assistant Chief, Law Enforcement Division  
Steve Schmitt, DNR Wildlife Veterinarian  
Dan Eichinger, Assistant to the Chief, Wildlife Division  
Brent Rudolph, Deer and Elk Program Leader, Wildlife Division  
Al Stewart, Upland Game Bird Program Leader, Wildlife Division  
Adam Bump, Bear and Furbearer Program Leader, Wildlife Division  
Additional Staff

**Natural Resources Commissioner John Madigan** called the NRC Policy Committee on Wildlife and Fisheries meeting to order at 8:32 a.m.

#### **Wildlife Division Chief Update**

Russ Mason, Chief of Wildlife Division, provided the update. The DNR has issued a press release on March 30, 2011 soliciting comments on the proposed Beaver Island antler restrictions for deer hunting. The Beaver Island Wildlife Club will host a meeting at 7 p.m. on Monday, April 11 at the Beaver Island Community Center to discuss the proposal. All residents, landowners, hunters and wildlife enthusiasts are invited to attend. DNR Wildlife Division staff will also be in attendance.

The Wildlife Division began revitalizing wild turkey populations in northern Michigan. Thirteen wild turkey hens have been relocated to Oscoda County. The trap-and-transfer operation was a joint effort of the DNR, Michigan Wild Turkey Hunters Association, National Wild Turkey Federation and the Oscoda Chamber of Commerce. The birds, which were trapped on private land in an area with a robust turkey population, were released on public land near Fairview.

The moose hunting advisory council will meet for the first time on Wednesday, April 13 at the Holiday Inn (1951 U.S. 41 West) in Marquette. The meeting is open to the public and will be held from 10 a.m. to 3:00 p.m.

Wildlife Division staff are working with students in various schools and universities on wildlife education programs (wolves in Upper Peninsula., wildlife management in general, etc.).

Kelley Smith, Chief of Fisheries Division also provided an update.

Fisheries Division has not heard any opposition to proposed lake trout regulation changes.

Walleye in Lake Erie – bag limit not in fishing guide. Quota information that came in over the winter was much better than expected resulting in a bag limit increase for walleye from 5 to 6 on Lake Erie only. This will be communicated to the public in a number of ways.

Fisheries Division lifted the moratorium on walleye rearing. Disinfecting techniques do remove VHS from walleye eggs. Fisheries Division is expected to have ~80% walleye production this year, and 100% walleye production in 2012.

### **Deer Regulations**

Brent Rudolph, the Deer and Elk Program Leader for Wildlife Division, presented the deer regulation information. Landowners in northern zones are experiencing impacts from locally abundant deer (e.g. forest regeneration problems immediately following timber harvest) and as a result, field staff are responding to increasing requests for Deer Management Assistance Permits. Proposed regulation change is to increase the antlerless license season purchase limit from two to five for zone 1 (Upper Peninsula) and Deer Management Units entirely in zone 2 (Northern Lower Peninsula). Quotas remain the primary means of restricting harvest. No change to the daily purchase limit of two antlerless licenses. The second regulation change involves Kent County and Deer Management Unit (DMU) 486. Distinct hunting regulations were enacted for Kent County (DMU 041) after Chronic Wasting Disease (CWD) was documented in a captive cervid facility in Kent County. A CWD surveillance zone was created to restrict carcass movement and to mandate disease testing. The regulation change is to eliminate the CWD surveillance zone in Kent County since no additional CWD deer were detected in three years of surveillance and to incorporate Kent County within DMU 486 for private land antlerless regulations. Two licenses available per day, up to five total for season in DMUs where more licenses available than what goes through the regular drawing process (leftover licenses).

Commissioner Richardson would like to congratulate the DNR Wildlife Division on the first Regional Deer Advisory Committee meeting. People liked the meetings, wanted more meetings, which shows they are interested.

Commissioner Madigan wants to know if there is any final conclusion on the CWD deer in Kent County? How did CWD get to Kent County? The DNR was not able to conclude one theory over another on how the Kent County deer got CWD. CWD most likely arrived in an infected live animal or infected carcass. Has this situation happened elsewhere? Yes, in Minnesota CWD has been confirmed in two deer in two separate locations. CWD can re-appear at any time but we feel pretty confident after 3 years prevalence is low in Kent County.

### **Fall Turkey Regulations**

Russ Mason presented the fall turkey regulation change and Al Stewart, the Upland Game Bird Program Leader, arrived during the question/answer discussion. Wildlife Division is in the second year of the three year fall turkey regulation cycle. In a March 1, 2011 a meeting between the UP turkey partners and DNR Wildlife Division staff, it was requested the DNR lower the fall license quota in Unit M (Upper Peninsula) from 4,000 to 1,500 licenses. The proposed fall turkey regulation change reflects this recommendation. No other changes are proposed.

Commissioner Madigan – How many fall turkey licenses were sold in Unit M in 2010? Approximately 2,000-2,500 licenses were sold. [License sales were verified upon returning to the office. In 2010, the total number of eligible applicants for Unit M was 692 and the total number of individual fall turkey license purchasers in Unit M was 2,662. In 2009, prior to the regulation change allowing hunters to purchase multiple fall turkey licenses, the total number of eligible applicants for Unit M was 631 and the total number of individual fall turkey license purchasers in Unit M was 1,345.] Commissioner Matonich – When can we expect the fall turkey survey results? How successful were hunters in Unit M? The 2010 fall turkey survey hunter survey results will be completed this summer. Commissioner Madigan and Commissioner Matonich – If the same number of people applied in Unit M this year as last year, would they get a license? Stewart: Yes, the proposed 1,500 licenses should provide for the application demand of fall turkey hunters in Unit M. Commissioner Madigan indicated there was positive feedback with opening Unit M to all of Upper Peninsula.

#### **Commissioner Matonich - House Resolution No. 48**

House resolution has been presented to NRC from Representative Huuki (110<sup>th</sup> district) to remove gray wolves in Michigan from the federal endangered species list and to amend the Endangered Species Act to prevent similar future situations. There is a request for the NRC to endorse the resolution. The resolution was presented for vote and endorsement during the Committee of the Whole.

Meeting adjourned at 9:02 am.

### **PUBLIC DISCUSSION OF LOWER PENINSULA DEER BAITING AND FEEDING BAN**

#### **PRESENT FOR THE NRC**

Tim Nichols  
John Madigan, Chair  
J.R. Richardson  
John Matonich  
Mary Brown

**Natural Resources Commissioner John Madigan** called the Public Discussion of Lower Peninsula Deer Baiting and Feeding Ban to order at 10:00 a.m.

#### **Behavior of Deer in the Presence/Absence of Bait**

Dr. Brian Underwood (USGS Patuxent Wildlife Research Center) and Dr. William Porter (Michigan State University) presented information on the behavior of white-tailed deer in the

presence/absence of bait. The presentation focused on five studies and how those findings relate to baiting. Baiting can impact white-tailed deer in three ways: 1) behavior, 2) distribution, and 3) abundance. Most bait represents a high energy, palatable food source. Deer eat for “energy” first. Deer convert high energy foods to body fat. During autumn, high energy foods are at a premium and are consumed over all others. At this latitude, much of the observed deer behavior is about energy “conservation.” Goal is to maintain constant core body temperature (102 F) within broad limits. For 2/3 of the year, this is generally not a problem for the other 1/3 it’s critical. Deer store excess dietary energy as fat. Late summer, early autumn is the primary period of fat accumulation. Fat is used as an energy source when forage is limiting. Deer voluntarily reduce energy intake and minimize activity during winter while they wait for spring. Common high energy foods consumed by deer during the autumn: acorns, crop residues, apple drops, bait? Acorns are most sought after because they are very high in fat content.

Deer establish and maintain a permanent home range as adults. Home range is a predictable use of space over time. Deer may establish two or more home ranges that they use seasonally. Home range size is determined by the concentration of food and cover. Seasonal migration is a survival mechanism. It is more pronounced where winters are more severe (colder temperatures and deeper snow). Triggers initiating migration differ between typical northern range and ag-forest matrix depending on type of forest, snow, hunters. Deer sometimes abandon their predictable home range to exploit ephemeral food sources (i.e. acorns and bait). Certain forest management practices can “short-stop” deer during migration to winter range. Deer use of space is governed by associations with other deer. Movement patterns are learned behaviors. If you alter the patterns, you alter the behaviors. Re-distribution results from altered behaviors. Whose deer are we baiting? Baiting may result in feeding not only deer from a single property but deer from neighboring properties. Long-term baiting results in non-migratory deer herds.

Deer yards tend to be next to human settlements. People create artificial cover and provide supplemental food. Artificial yards are becoming more valuable to deer than natural yards. Widespread baiting subsidizes the natural forage base. Bait provided in advance of the breeding season stimulates productivity. Baiting that improves deer condition can increase over-winter survival rates. Net result: more deer than the natural forage base can support.

#### Conclusions:

Large quantities of bait available during the autumn and early winter have important ecological consequences for deer because bait represents a high energy, high value food source for deer.

- Baiting may alter local and seasonal movements of deer (behavior)
- Baiting may concentrate deer on the landscape in places we may not want them (distribution)
- Baiting subsidizes the natural forage base, improving deer condition and survival over time (abundance)

#### Question from Commissioners:

Commissioner Matonich – What level of baiting impacts migratory behavior?

Brian Underwood – Research site included feeding deer hay and corn consistently, year around. How much of energy out on landscape? 1.5 pounds of corn can sustain the energy requirements of one deer for 24 hours. Still concern remains if baiting done October to January – either can alter behavior.

Commissioner Matonich - How do you insert the impact of weather into the fact baiting subsidizes the natural forage base? Natural forage base is present before the deer arrive on the site. Snow can then cover natural forage base. Natural forage base available again once snow is gone. Weather is a factor that can influence natural forage availability. One impact could be for the younger animals. Typically in Adirondacks young females (yearlings) don't produce fawns until their second year. Weather can delay sexual maturity in yearlings.

Commissioner Richardson – Once came across several deer carcasses after late winter storm. Wondering if the deer stayed because they were possibly baited? If deer are in a location where there is not good cover and they run out of an energy source, they will not survive. If baited in the same area, they can survive. Depends how severe winter weather is.

Commissioner Brown – Asked about baiting and disease issues. If an animal is carrying a disease, how close (distance) does the disease need to occur before other animals might pick it up? New York has had five case of CWD in captivity and two cases in the free-ranging white-tailed deer. 95% of contacts occur relatively close (direct contact) – increased direct contact, increased likelihood of disease transmission. Indirect contact includes saliva on bait and contaminated feces which can occur from a distance.

Commissioner Madigan – What are the best sources of food for deer? What about adults as far as productivity levels? Acorns best natural source. Corn is second best source (artificial source). Apples, sugar beets, etc. (starchy, lots of carbohydrates) next. Known fact for sheep in the agricultural world - fall flushing (feeding) improves lamb production in spring. Supplemental feeding for energy in the autumn improves productivity in the spring breeding season. Whether a female deer has single or twin fawns is likely related to fat reserves. What's food source is on the ground and for how long determines productivity impact.

### **DNR Law Enforcement Division – Baiting and Feeding Statistics**

Assistant Chief Dean Molnar presented information on DNR Law Enforcement Division baiting and feeding statistics. Baiting and feeding has been banned for a number of years in Alpena, Alcona, Crawford, Montmorency, Oscoda, Otsego and Presque Isle Counties due to the outbreak of bovine tuberculosis (TB) in white-tailed deer. Because of the confirmation of a deer with chronic wasting disease (CWD) in a privately owned cervid facility in Kent County in 2008, the baiting and feeding ban for deer was extended to the entire Lower Peninsula in October 2008. The ban applies equally to feeding for recreational viewing as well as hunting.

- From October through December 2007, the number of bait complaints (RAP phone line and non-RAP) was 416, with 183 tickets issued.
- From October through December 2008, the number of bait complaints (RAP phone line and non-RAP) was 2160 (419% increase), with 599 tickets issued (227% increase).
- From October through December 2009, the number of bait complaints (RAP phone line and non-RAP) was 2034 (6% decrease), with 701 tickets issued (17% increase).
- From October through December 2010, the number of bait complaints (RAP phone line and non-RAP) was 1525 (25% decrease), with 537 tickets issued (23% decrease).

RAP phone line complaints peaked in 2008 and have slowly decreased since. Non-RAP phone line complaints increased in 2008 and 2009 but decreased in 2010. Overall, total complaints peaked in 2008 and have decreased since. The number of tickets issued increased in 2008 and 2009 but decreased in 2010. The number of warnings decreased in 2008, 2009 and 2010.

Trends in baiting enforcement include people are putting less bait out, spending more time hiding the bait, spreading bait around more and more cut-up, ground-up, up into smaller pieces. Spiking food plots with grain or corn, minerals that look like rocks and liquids. Less hunter pressure in areas than in past. Hunters with small land with poor habitat are seeing less deer. People who are issued tickets are more upset and more frustrated. More stores selling bait sources now. Hunters report seeing more deer during daylight hours. "I feel I have to bait in marginal habitat in order to draw deer into marginal habitat or small parcels." Finding numerous amounts of other violations when visit site where baiting is occurring. Pilots say amount of bait decreasing. Multiple sites being baiting when go to a parcel. Pilots did sense in 2010 more bait sites than in 2008 or 2009.

What can we do to benefit Law Enforcement of baiting? Whether we stay with ban or allow baiting enhanced penalties beneficial. Right now a 90 day misdemeanor, \$50-500 fine, license revocation at discretion of court. Snagging of fish and trespassing much stricter penalty for first offense, second offense and third offense. Recommend stricter penalties for baiting. Enhanced penalties (requires Legislative action) would help enforcement measures with repeat offenders and interpretation by prosecutors. More teeth in penalties would be helpful.

Commissioner Brown – Is there a geographic propensity to bait? From Clare and Gladwin County north, baiting is more prevalent. Depends upon the landscape, there are fewer agricultural areas in northern Michigan.

Commissioner Madigan – Why are complaints decreasing? People are deciding to bait because neighbors are baiting. People are getting tired of not seeing enough deer.

### **Public Baiting Discussion**

Commissioner Madigan stated public speakers had 3 minutes each. Comments should be short, to the point and respectful.

#### **1) Tom Dore – Dore Farms**

Supports baiting. Grows sugar beets. Sales down 50% first year (2008) but have increased slightly in 2009 and 2010. Recommend spreading bait out over larger area. Baiting does improve youth hunting interest. He wants to sell deer feed and would like it to be legal.

#### **2) Kevin Gould\* – representing Michigan Cattlemen's Association and Mid-Michigan Sportsman's Alliance**

Opposed to baiting. Position statement provided to Commissioners. Lives in Ionia County – hunted deer in Clare County and Ionia County for past 32 years. First priority is health and sustainability of our wildlife resources. Second priority is educating everyone, especially young hunters about our natural resources and how wildlife interact with the environment. Bait is a crutch that risks the future of our deer herd and reduces hunting experiences. Has

hunted with bait and without bait. Hunters need to learn deer management and deer habits to increase success. Baiting jeopardizes the health of deer and cattle herds and will likely jeopardize our TB free status currently under review. Economics should not be an issue for those selling bait – commodity prices at record levels. Hunter heritage – hopeful children will have similar or better opportunities to hunt deer. Solutions: 1) Increase hunter education about deer management, 2) Encourage food plots to improve habitat and reduce farmland pressure, 3) Increase enforcement, and 4) Stay the course.

**3) Gerald Barrowman\***

Supports baiting. Position statement provided to Commissioners. Is a public land rifle and muzzleloader hunter who didn't bait and didn't have a problem with others baiting until 2005. In 2005, qualified for crossbow, bought crossbow and accessories. Hunted from a ground blind with crossbow and bait. From 2005-2007, killed more deer than previous 10 years with rifle and muzzleloader. Haven't used crossbow since baiting ban in effect, needs to use bait to hunt with crossbow.

**4) Terry Reeves\* - representing J & H Family Stores, J & H Oil and Exit 76 Corporation**

Supports baiting. Position statement provided to Commissioners. Lives in Mecosta County. Used to sell bait at gas station until baiting ban instituted. Quit selling bait. Used to sell around \$80,000 worth of bait. Hunted with and without bait. If hunting on weekends, would use bait. When hunt near farms does not use bait. When hunters are not satisfied with their hunting experience they will go elsewhere (out of state). Would resume selling carrots and corn.

**5) Dave Borgeson – representing Michigan Resource Stewards**

Opposed to baiting. Three main concerns: 1) Concerned about resource – puts resource at more risk. 2) Concerned about sport of deer hunting – less value to hunter when baiting allowed. 3) Recruitment of new hunters and respect from non-hunters improves when no baiting allowed.

**6) Brian Powers\***

Opposed to baiting. The fact we have no further incidence of CWD prevalence should serve as reinforcement that the regulations were both prudent and effective. The elimination of baiting does not guarantee there will be no transmission of disease but it does mean we are controlling those things we can control. The baiting ban regulation is mitigating risks. Continue proactive approach of prohibiting baiting.

**7) Craig Dicus**

Opposed to baiting. Baiting increases hunter friction, poaching, disease and reduces hunter safety. NRC should manage natural resources based on best scientific information. Regional Deer Advisory Teams – work with them to educate public on what we should plant for turkey, deer, grouse and how habitat should be improved. Biologist knows best what to plant.

**8) Jason Blitchok\* – representing Michigan Hunters Alliance**

Supports baiting with the stipulation of a 3 year sunset provision. Revisit the issue again in the spring 2014. Develop a work-group to work closely with the DNR Wildlife and Law

Enforcement Division as well as the public. The work group would be charged with compiling data of biological, social and economic impact that baiting has on the resource and State over the next 3 years. Members of the workgroup should consist of non-affiliated hunters, organizations, the DNR and Michigan Department of Agriculture and Rural Development.

**9) Gerald Lee Malburg**

Supports baiting. From Oceana County. Bow hunters found out baiting brought deer in closer to shoot, gun hunters also caught on. Created impatient hunters. Owns a [agricultural?] processing plant, may lose 40% of product. Rest of by-product put on open ground. Initially concerned about loss of revenue. Still concerned over loss of revenue. Feels deer herd has gotten very large. Lift baiting ban.

**10) Jeff McKnight\***

Supports baiting. Position statement provided to Commissioners. Live and hunt in Lake County. Baldwin check station only open during firearm season. Bow hunter which means nearest check station in Cadillac 50 miles away or has to freeze head. Not checking for CWD in Lake County. Agrees that food must be scattered over 100 square feet and 2 gallons or less at any one location in 24 hours. Fails to see how food plots are different than baiting. Very concerned if food plots on public land and the concentration of hunters wanting to access those areas.

**11) Tim Kline**

Declined to speak.

**12) Dennis Novak\***

Supports baiting. Hunts in Shiawassee County. Asked six friends for their opinions and solutions. Provided copy of e-mails from friends to Commissioners (five support baiting, one opposed to baiting). Has taken deer with and without bait, supports baiting. Younger generation wants instant gratification. Baiting will help with younger hunters staying interested. Also helps veterans with disabilities.

**13) Mark Bartholomew – Michigan Wildlife Association?**

Supports baiting. From Roscommon County. Wants baiting ban lifted and return to two gallons and spread out in 100 square foot area or larger. Where is the science that is driving the decision? We need to work with Michigan Department of Agriculture and farmers to improve fencing around their feeding operation. We are penalizing the hunters.

**14) Ernie Birchmeier – Michigan Farm Bureau**

Opposed to baiting. First priority, a healthy deer herd. Proposal G demands use of sound science. Research has shown feeding and baiting of deer is not recommended or necessary. Michigan Farm Bureau is implementing proactive measures with livestock production operations. Supports deer on available natural habitats.

**15) Maria Miller**



Supports baiting. Not a hunter, lives in Brighton. Baiting ban has impacted her life economically. Runs a non-profit organization that rescues domestic animals (cats, dogs, etc.). Issued an arrest warrant and fined four times for baiting. Bait for recreational viewing only. Not allowed to feed birds or feed outside cats.

**16) Bruce Thiel**

Opposed to baiting. Recommend moving the public baiting discussion meetings around the state – southern, northern, Upper Peninsula. Owns land in UP and Lower Peninsula. Should have same regulations statewide.

**17) Wayne Childs**

Supports baiting. Raise the fines and you won't have any more deer hunters. Hunters against hunters. Bring back the baiting or kill off all the deer.

\* Provided position statement or hand-outs to the Commissioners.

Commissioner Nichols announced similar discussion next month at NRC meeting. The May NRC meeting will be in Flint at the Mott Community College (1401 East Court St.).

Commissioner Madigan thanked the group and asked that people continue to provide input.

The Wildlife Division will post these meeting minutes on the DNR website.

Meeting adjourned at 11:59p.m.